

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ISAIAH MUHAMMAD,

Plaintiff,

20 **CIVIL** 8343 (VEC)

-against-

JUDGMENT

C.O. NEWTON, et al.,

Defendant.
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated April 14, 2022, the R&R is adopted in full, Defendants' motion to dismiss is GRANTED, and Plaintiff's complaint is DISMISSED without prejudice. Because the R&R gave the parties adequate warning, see R&R, Dkt. 28 at 12, the failure to file any objections to the R&R precludes appellate review of this decision. See *Mario v. P & C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). Because appellate review is precluded, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Order would not be taken in good faith, and, therefore, permission to proceed in forma pauperis for purposes of appeal is denied; accordingly, the case is closed.

Dated: New York, New York
April 21, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

K. Wang

Deputy Clerk